

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SUSANNE ZIEGLER, individually, and as
(proposed) Special Administratrix of the
Estate of FRANCESCO SANFILIPPO,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; CARL GUILFORD;
individually, NAPHCARE, INC., an
Alabama corporation qualified to do
business in the State of Nevada,

Defendants.

2:11-CV-01301-PMP-VCF

ORDER

This action was commenced on August 11, 2011, by Susanne Ziegler, individually, and as (proposed) Special Administratrix of the Estate of Francesco Sanfilippo (Doc. #1). On September 29, 2011, Defendant NAPHCARE, Inc., filed a Motion to Dismiss Plaintiff's Complaint (Doc. #11) which motion was joined by Defendant Las Vegas Metropolitan Police Department (Doc. #14) on September 30, 2011.

At the hearing on Defendant's Motion conducted December 6, 2011, counsel for Plaintiff Ziegler advised the Court although no action has been taken by the Nevada Probate Court on the Petition of Susanne Ziegler and Alexander M. Mazzola to be Appointed Co-Administrators of the Estate of Francesco Sanfilippo, it is anticipated that approval will be

1 forthcoming shortly. Nonetheless, it is clear at this stage the Court lacks jurisdiction to
2 consider the claims set forth in Plaintiff's Complaint because Plaintiff Susanne Ziegler is
3 not the administrator of the Estate of Francesco Sanfilippo, and it appears under NRS
4 §41.100.(3) and NRS §139.010(4), she may not be qualified to serve in that capacity. As
5 result, the Court finds it appropriate to grant Defendant NAPHCARE's Motion to Dismiss
6 as joined by Defendant Las Vegas Metropolitan Police Department without prejudice to the
7 duly appointed Administrator or Co-Administrators of the Estate of Francesco Sanfilippo
8 to bring appropriate claims for relief once if and when they are appointed.

9 **IT IS THEREFORE ORDERED** that Defendant NAPHCARE, Inc.'s Motion
10 to Dismiss Plaintiff's Complaint (Doc. #11) as joined by Defendant Las Vegas
11 Metropolitan Police Department (Doc. #14) is **GRANTED**.

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13 DATED: December 15, 2011.

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16 PHILIP M. PRO
17 United States District Judge
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